

REMARKS

In the present application, claims 24-35 and 39-48 are pending. Claims 24-26, 32-35, and 39-48 are elected for consideration in response to a restriction requirement. Presently, all claims are objected to for being indefinite or rejected for being obvious over the prior art. By way of this response, Applicant is amending claims to better describe the invention. In view of the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration of the application.

Rejection Under 35 U.S.C. §112

In paragraph 2, the Examiner objected to claims 24, 32, 35, 39-41, and 46 for being indefinite. Specifically, the Examiner contends that claims 32 and 46 are de facto duplicate claims, and it "further appears that claims 32 and 35 are as well." Applicant has amended various claims to better define the scope of the claims. Claim 32 is now directed to a label system having both an inner label and an outer label, while claim 46 is now directed to a label system providing a container and an outer label. As such, the claims are not de facto duplicates. As to Examiner's reference to claims 32 and 35, claim 35 has been amended to claim a further element of a slip agent.

Further in paragraph 2, the Examiner objected to claims 39-41 and 43 as defining species of adhesives in terms of elements which the Examiner believes to be counter to chemical literature. Applicant has since amended these claims to cover other elements of the invention, and the objection is now moot.

In paragraph 3 and 4, the Examiner objected to the specification for failing to contain written description of the invention, and rejected the claims as being based upon a non-enabling specification. Specifically, the Examiner objected to the use of the terms "temporary adhesive" and "permanent adhesive." The Examiner admits that

these terms are known in the art, but are not defined in the specification in any meaningful manner. Applicant traverses.

First, Applicant notes, and the Examiner agrees, that the terms “temporary adhesive” and “permanent adhesive” are known in the art. Such as the case, Applicant does not understand why the Examiner requires these terms to be defined in the specification in a meaningful manner. Those skilled in the art will understand these terms and the use of these elements in the present invention.

Further, the specification does contain a written description as to these terms. Referring to page 9, an example of “temporary adhesive” is given – “hot pick-up cement sold under product number 284-322 by Ato Findlay Inc.” This cement is a resin with a soft point of 165°F and typically has a thermal viscosity of about 279 cP at 250°F/27/100 rpm. Similarly, an example of a “permanent adhesive” is given – “hot melt adhesive sold under product number 335-335...” This permanent adhesive has a softening point of 162°F and a thermal viscosity of 1,240 cP at 325°F/27/100 rpm. Therefore, Applicant believes there is sufficient disclosure in the specification regarding terms that are known in the art.

With respect to the terms “electrocharge”, “wetting agent” and “pressure”, these temporary coupling means are alternatives to the use of “temporary adhesive” (see page 7, paragraph 2). Applicant is amending the claims to only claim embodiments utilizing adhesive as the temporary coupling mechanism. Thus, these elements are no longer claimed in the present application. However, Applicant believes that one skilled in the art (and referring to co-related applications) will realize how to use these alternative temporary coupling means. For example, exerting a pressure against an outer label placed against an object will hold the outer label in place. As such, the amendments to the specification add no new matter.

In paragraph 5, the Examiner objected to claims 24-26, 32-35, and 39-48 for being based on a disclosure which is not enabling. Specifically, the Examiner contends that the claims as they “read require only any suitable label backing coated with either one or both types of adhesives,” and “it would appear that the presence of an additional label substrate or container is critical...” To better define the present invention, the preambles of all the claims have been amended to cover a “rotatable label system.” Further, each system comprises at least an “outer label.” Additionally in claim 46, a container is provided.

Rejection Under 35 U.S.C. §103

In paragraph 7 of the Office Action, the Examiner rejected claims 24-26, 32-35, and 39-48 as being unpatentable over *Ingle* (U.S. Patent No. 4,727,667), *Fumei* (U.S. Patent No. 4,567,681), or *Haines* (U.S. Patent No. 4,312,523). Applicant respectfully traverses.

Each of the prior references discloses a label which is affixed, and not rotatable, about the container. Referring to *Ingle*, an elongated label is provided which overlaps itself. In order to view underlying indicia, a trailing end of the label must be peeled away to expose the underlying indicia. Once viewed, the trailing end may be reattached to the container.

Similarly, *Haines* discloses an elongated label having sections. A first section may be a pull tab (zone 18) which is used to sever an adhesive strip and unwind the label. A further section (zone 24) may be severed from the remainder of the label which is affixed to the container. This process may be repeated until only one section remains on the container. Once severed, the sections can not be reattached onto the container.

Fumei merely provides a label with weakening adhesive. Thus, over time the adhesive weakens and the label may be easily removed for recycling purposes.

In contrast, the present invention provides a rotatable outer label which may be disposed about a container. Referring to claim 1, "a first adhesive disposed on the back surface for temporarily coupling the outer label to a container or an inner label while the outer label is wrapped about the container..." is provided. Subsequently, the removal of the first adhesive allows "the outer label to rotate about the container." Similarly, independent claims 32 and 46 comprise the same limitation. None of the prior art references discuss the use of an adhesive which when removed allows rotation of the label about the container. As such, independent claims 24, 32, and 46 are allowable over *Ingle*, *Haines*, and *Fumei*. Additionally, since claims 25-26, 32-35, and 39-50 depend from claims 24, 32, or 46, these claims are allowable for the same reasons.


Conclusion

Based on the amendments and foregoing remarks, Applicant believes that the objections and rejections in the Office Action are fully overcome and that the application is in condition for allowance. If the Examiner has any questions regarding the case, the Examiner is invited to contact Applicant's undersigned representative.

Respectfully submitted,

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